

State of New York
Supreme Court, Appellate Division
Third Judicial Department
518-471-4777

SESSION CALENDAR FOR TUESDAY, SEPTEMBER 12, 2023

1:00 P.M. SESSION

E L Y C E F

BENCH POSITION: Fisher, J., Lynch, J., Egan Jr., J.P., Ceresia, J.,

Please notify the Clerk's Office at least 24 Hours PRIOR to argument of any changes to this calendar, including submissions and attorney changes.

When a cause is argued or submitted to the court with four justices present, it shall, whenever necessary, be deemed submitted also to any other duly qualified justice of the court, unless objection is noted at the time of argument or submission (Practice Rules of the Appellate Division, Rule 1250.1 [b]).

Calendar No.	Case No.	Title	Time Allocated
➤(2)	535727	GAGNE v MJ PROPERTIES REALTY Appellant - James T. Towne, Esq. The Towne Law Firm, P.C. (Magen Gagne, et al.)	10
		Respondent - Derek L. Hayden, Esq. Law Office of M. Randolph Belkin (MJ Properties Realty, LLC, et al.)	10
(1)	533292	HARRIS v REAGAN Appellant - Leonard A. Ballavia, Esq. Bellavia Blatt, P.C. (Calvin L. Harris)	10
		Respondent - Kelly S. Foss, Esq. Harris Beach PLLC (Joseph C. Reagan)	10
(3)		REMOVED	
(4)	535469	BACHMAN-RICHARDS v POMEROY Appellant' - Edward E. Kopko, Esq. Edward E. Kopko, Lawyer, P.C. (Rachel J. Bachman-Richards)	10
		Respondent - Paul G. Ferrara, Esq. Costello, Cooney & Fearon, PLLC (William J. Pomeroy, et al.)	10
(5)		REMOVED	

State of New York
Supreme Court, Appellate Division
Third Judicial Department
518-471-4777

SESSION CALENDAR FOR TUESDAY, SEPTEMBER 12, 2023

1:00 P.M. SESSION

E L Y C E F

BENCH POSITION: Fisher, J., Lynch, J., Egan Jr., J.P., Ceresia, J.,

Please notify the Clerk's Office at least 24 Hours PRIOR to argument of any changes to this calendar, including submissions and attorney changes.

When a cause is argued or submitted to the court with four justices present, it shall, whenever necessary, be deemed submitted also to any other duly qualified justice of the court, unless objection is noted at the time of argument or submission (Practice Rules of the Appellate Division, Rule 1250.1 [b]).

Calendar No.	Case No.	Title	Time Allocated
(6)	535646	ESTATE OF JOHN TIMER <i>Appellant</i> - Robert S. Beeham, Esq. (Jennifer Timer) <i>Respondent</i> - David J. Clinton, Esq. Gozigian, Washburn & Clinton (Melanie Renner)	10 10
(7)	536107	CUER v THE STATE OF NEW YORK <i>Appellant</i> - James M. Wujcik, Esq. <i>Respondent</i> - Sarah L. Rosenbluth, Esq. Office of the New York State Attorney General (State of New York, et al.)	SUB 10
(8)	110862	PEOPLE v BENJAMIN RESTIFO <i>Appellant</i> - Adam W. Toraya, Esq. [Assigned] <i>Respondent</i> - Peter H. Willis, Esq. Schenectady County District Attorney's Office (The People of the State of New York)	SUB 10
◆(9)	535215	MATTER OF KUBALA v NEW YORK STATE AND LOCAL RETIREMENT SYSTEM	SUB
◆(10)	109521	PEOPLE v MARCEL O. COX II	SUB
◆(11)	535300	MATTER OF FAEA OO. v ISIAAH PP.	SUB
◆(12)	CV-22-1971	MATTER OF MALLAY v NEW YORK STATE COMPROLLER	SUB
◆(13)	532658	MATTER OF STANCARONE v DINAPOLI	SUB
◆(14)	112277	PEOPLE v FLOYD BRUCE	SUB
◆(15)	535808	MATTER OF BALBUENA v ROCCO & SON IRONWORK INC.	SUB

State of New York
Supreme Court, Appellate Division
Third Judicial Department
518-471-4777

SESSION CALENDAR FOR TUESDAY, SEPTEMBER 12, 2023

1:00 P.M. SESSION

E LY CE F

BENCH POSITION: Fisher, J., Lynch, J., Egan Jr., J.P., Ceresia, J.,

► **535727 - GAGNE v MJ PROPERTIES REALTY**
Panel: LY CE F PO

◆ Panel: E LY RE CE F